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**RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE - EXAMINING GROUP [3700]**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application**

Inventors: Zucherman, et al.  
Appl. No.: 09/684,017  
Confirm. No.: 9622  
Filed: January 8, 2001  
Title: SPINE DISTRACTION IMPLANT AND  
METHOD

**PATENT APPLICATION**

Art Unit: 3731  
Examiner: J. Woo

**Customer No. 23910**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on March 22, 2004.

(Attorney Signature)

Michael L. Robbins, Reg. No. 54,774  
Signature Date: March 22, 2004

**RESPONSE D UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This RESPONSE D is in reply to the Office Action mailed January 20, 2004.

**Amendments**

Please amend the above-identified application as follows:

**In the Claims:**

Please cancel claims 95, 96, and 108, all as shown below.

**RECEIVED**  
**MAR 29 2004**  
**TECHNOLOGY CENTER R3700**